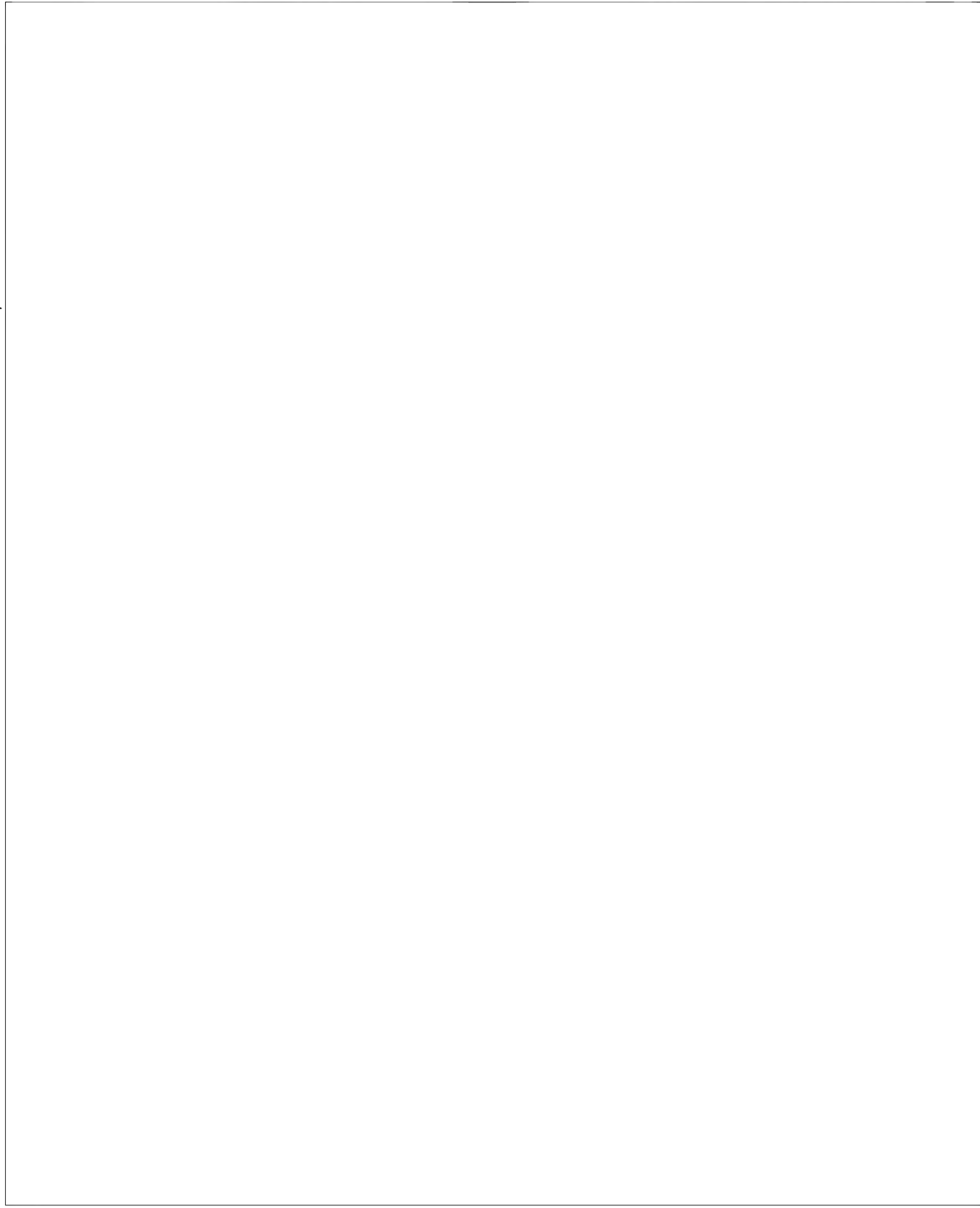


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(b)(6) Approved for Release: 2017/04/06 C06652571

Reviewed by ExDir &
ExDir-Legal []
on 22 Apr 2016 (b)(3) NatSecAct

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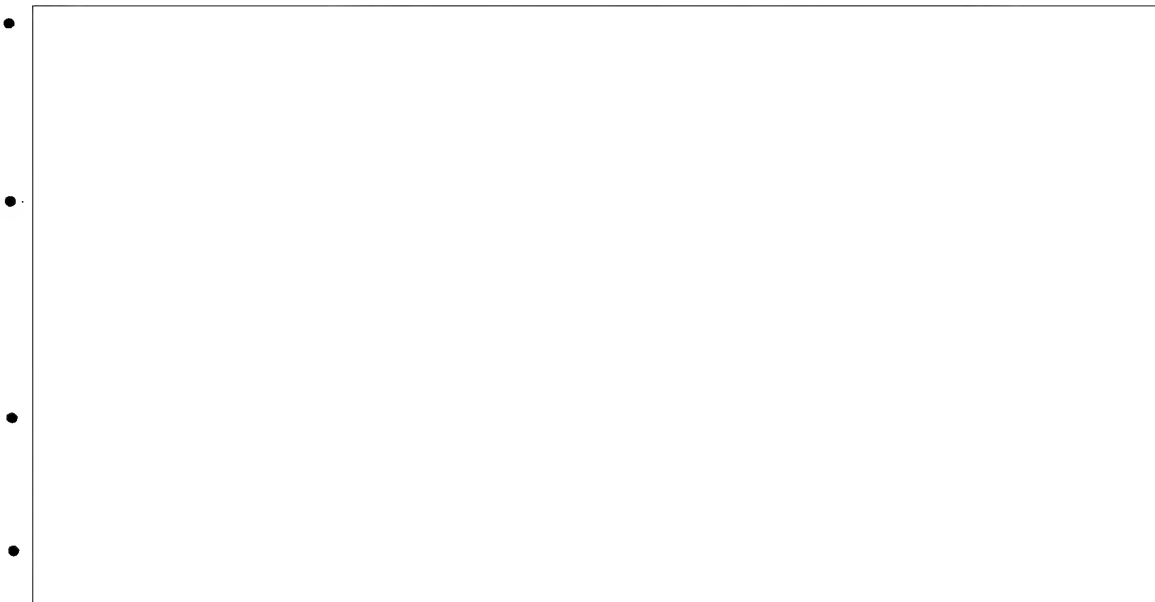


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Additional Factor

(U//~~ATUO~~) An additional factor to consider in determining whether a *Snepp* action is appropriate in a particular case is the degree to which the author demonstrated a good-faith effort to engage in the PRB process and to address the concerns raised by the PRB during prepublication review. An author's failure to comply with his/her prepublication obligation can encompass a broad spectrum of non-compliance, ranging from total failure to submit a manuscript for prepublication review at all, to substantial (but incomplete) compliance with most of the PRB's proposed changes. In determining whether a *Snepp* action is appropriate, consideration should be given to (a) whether the author submitted the manuscript for review by the PRB and constructively engaged in the PRB process, and (b) the extent to which the author actually addressed the concerns raised by the PRB through making the requested redactions and/or modifications to the manuscript.

Way Forward

(U//~~ATUO~~) The CIA's recent historical decisions with respect to *Snepp* actions support a future approach where the Agency continues to ask DOJ to bring *Snepp* actions if:

- the unauthorized publication contains classified information that the CIA assesses to be significant;
- there is a reasonable expectation that the disclosures will result in serious harm to national security or U.S. foreign policy;
- the disclosures are extensive, particularly damaging, or lead to direct and clearly identifiable adverse results; and
- the author did not demonstrate a good-faith effort either to engage in the PRB process to address the concerns raised by the PRB during prepublication review.

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